

Court Backs White Administrator in Reverse Race-Bias Case

by Mark Walsh – February 2012 (reprinted in *The School Law Blog*)

A federal appeals court has reinstated a jury verdict on a key issue in favor of a white school district administrator in Arkansas who was demoted by a majority-black school board.

The case stems from a 2007 shift on the Lee County, Ark., school board from four white and three black members to four blacks and three whites. Soon after, Superintendent Wayne Thompson and finance coordinator Sharon Sanders, who were the only two white administrators in the district's largely black workforce, were demoted.

Thompson was reassigned as assistant superintendent for maintenance and transportation, court papers say. Sanders was reassigned as a food services assistant. The board made the moves without consulting employee manuals or the district's legal counsel.

Sanders took sick leave for several months as she tussled with the board over what her new job duties and contract would entail. The new superintendent threatened to terminate Sanders because of her lengthy sick leave. Sanders resigned, and she soon sued the district and three of the four black school board members alleging race discrimination and constructive discharge, which means an employer created intolerable working conditions that forced an employee to quit.

A jury found in favor of Sanders, awarding her \$10,000 on the race-bias charge, some \$61,000 in wages and benefits on the constructive-discharge claim, and \$8,000 in punitive damages against the three black board members named in the suit.

But on motions by the defendants, the trial judge set aside the jury's verdict and award on the constructive-discharge claim and the punitive damages. The judge left intact the race-discrimination verdict and damages on that claim.

Sanders appealed, and in a Feb. 28 decision, a three-judge panel of the U.S. Court of Appeals for the 8th Circuit, in St. Louis, unanimously reinstated the constructive-discharge finding and the damages that went with it.

"Under the circumstances involved in this case, we believe Sanders presented sufficient evidence for a reasonable jury to conclude she was constructively discharged," the court said in *Sanders v. Lee County School District No. 1*. "Here, a reasonable jury could conclude the change in position from finance coordinator to food services assistant was a demotion with a diminution in title and significantly decreased responsibilities, and that a reasonable employee in Sanders's position would find the reassignment demeaning."

The appeals court also reinstated the punitive-damages claim, but said Sanders would have to prove her case against the three black school board members under a different legal standard than the one the trial judge initially used.